IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

GENENTECH, INC. and CITY OF HOPE,

Plaintiffs,

C.A. No. 18-cv-1363-CFC

v.

SAMSUNG BIOEPIS CO., LTD.,

Defendant,

REDACTED PUBLIC VERSION

STIPULATION AND [PROPOSED] ORDER REGARDING CLAIM CONSTRUCTION OF U.S. PATENT NOS. 6,627,196, 7,371,379, 7,485,704 AND 10,160,811

WHEREAS Plaintiffs Genentech, Inc. and City of Hope have sued Defendant Samsung Bioepis Co., Ltd. for infringement of, among other things, U.S. Patent Nos. 6,627,196 ("the '196 patent"), 7,371,379 ("the '379 patent"), 7,485,704 ("the '704 patent"), and 10,160,811 ("the '811 patent");

WHEREAS the parties initially identified the terms "about 18 °C" and "performing subsequent purification of compositions comprising said protein by Protein A chromatography at a [temperature range]" in claims 6 and 12 of the '704 patent as claim terms for construction in this case (which were briefed in the Revised Joint Claim Construction Brief (D.I. 94) at pages 113-123);

WHEREAS the parties have agreed to constructions for the terms "about 18°C" and "performing subsequent purification of compositions comprising said protein by Protein A chromatography at a [temperature range]" in claims 6 and 12 of the '704 patent;

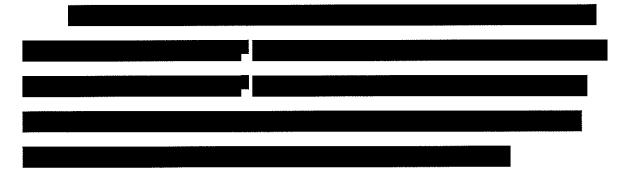
WHEREAS the parties initially identified the term "an initial dose" in claims 11 and 22 of the '196 patent, claims 11 and 21 of the '379 patent, and claims 6 and 7 of the '811 patent as a claim term for construction in this case;

WHEREAS Samsung Bioepis is currently approved to market its trastuzumab biosimilar product for all indications in the Herceptin[®] label;

WHEREAS Plaintiffs believe there is no ripe claim construction dispute for the Court to resolve with respect to the term "an initial dose" in claims 11 and 22 of the '196 patent, claims 11 and 21 of the '379 patent, and claims 6 and 7 of the '811 patent (which was briefed in the Revised Joint Claim Construction Brief (D.I. 94) at pages 3-34);

NOW THEREFORE, subject to the approval of the Court, it is hereby stipulated and agreed by the Parties that, for purposes of this case:

- 1. The term "about" in claims 6 and 12 of the '704 patent shall mean "no more than \pm 1 °C";
- 2. The term "performing subsequent purification of compositions comprising said protein by Protein A chromatography at a [temperature range]" in claims 6 and 12 of the '704 patent shall mean "performing subsequent purification of compositions comprising said protein by Protein A chromatography, wherein the composition being purified is at a [temperature range]"; and
- 3. The term "an initial dose" in claims 11 and 22 of the '196 patent, claims 11 and 21 of the '379 patent, and claims 6 and 7 of the '811 patent shall mean "the first dose of the claimed antibody given to the patient as part of a treatment regimen."



/s/ Frederick L. Cottrell, III

Frederick L. Cottrell, III (#2555)
Jason J. Rawnsley (#5379)
Alexandra M. Ewing (#6407)
RICHARDS, LAYTON & FINGER, P.A.
920 North King Street
Wilmington, DE 19801
(302) 651-7700
cottrell@rlf.com
rawnsley@rlf.com
ewing@rlf.com

Of Counsel:

William F. Lee
Lisa J. Pirozzolo
Emily R. Whelan
Kevin S. Prussia
Andrew J. Danford
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000
william.lee@wilmerhale.com
lisa.pirozzolo@wilmerhale.com
emily.whelan@wilmerhale.com
kevin.prussia@wilmerhale.com
andrew.danford@wilmerhale.com

Robert J. Gunther Jr.
WILMER CUTLER PICKERING
HALE AND DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
(212) 230-8800
robert.gunther@wilmerhale.com

Daralyn J. Durie Adam R. Brausa DURIE TANGRI LLP 217 Leidesdorff St. San Francisco, CA 94111 (415) 362-6666

/s/ David E. Moore

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Stephanie E. O'Byrne (#4446)
Jennifer Penberthy Buckley (#6264)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
sobyrne@potteranderson.com

OF COUNSEL:

Dimitrios T. Drivas Scott T. Weingaertner Amit H. Thakore Holly Tao John P. Padro WHITE & CASE LLP 1221 Avenue of the Americas New York, New York 10020-1095 Tel: (212) 819-8200

Attorneys for Defendant Samsung Bioepis Co., Ltd.

ddurie@durietangri.com abrausa@durietangri.com	
Attorneys for Plaintiffs Genentech, Inc. and City of Hope	
Dated: April 22, 2019	
SO ORDERED this day of _	, 2019.
	United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2019, true and correct copies of the foregoing document were caused be served on the following counsel in the manner indicated:

VIA ELECTRONIC MAIL

David Moore
Bindu Ann Palapura
POTTER ANDERSON CORROON LLP
1313 North Market Street, 6th Floor
Wilmington, Delaware 19801
dmoore@potteranderson.com
bpalapura@potteranderson.com

VIA ELECTRONIC MAIL

Amit Thakore
Dimitrios T. Drivas
Holly Tao
Scott T. Weingaertner
John P. Padro
WHITE & CASE LLP
1221 Avenue of the Americas
New York, New York 10020-1095
athakore@whitecase.com
ddrivas@whitecase.com
holly.tao@whitecase.com
sweingaertner@whitecase.com
jpadro@whitecase.com

/s/ Jason J. Rawnsley
Jason J. Rawnsley (#5379)
rawnsley@rlf.com